

**Request for Proposal  
Department of Education – Iowa Learning Online**

RFP # ED-GN254001

Service Provider for Iowa Learning Online Teachers

**Iowa Department of Education  
Grimes State Office Building**  
400 E 14th St  
Des Moines, Iowa 50319

September 10, 2008

# Request for Proposal

## Department of Education – Iowa Learning Online

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### **Section 1—INTRODUCTION**

#### **1.1 Purpose**

The purpose of this Request for Proposals (RFP) is to solicit proposals from qualified service providers to work with the Iowa Department of Education (Agency) in implementation of Iowa Learning Online (ILO) courses and activities. The Agency intends to award a one-year contract beginning on, or about, November 1, 2008, and ending on June 30, 2009. Any contract resulting from the RFP shall not be an exclusive contract.

#### **1.2 Definitions**

ILO: Iowa Learning Online is an initiative of the Iowa Department of Education. See Background Information for additional information. ILO website: [www.iowalearningonline.org](http://www.iowalearningonline.org)

IPERS: Iowa Public Employees' Retirement System is an independent agency within the executive branch of state government that administers the retirement system created by Iowa Code chapter 97B. The principal purpose of IPERS is to provide an adequate retirement plan for career public employees.

#### **1.3 Background Information**

This RFP is designed to provide service providers with the information necessary for the preparation of competitive bid proposals. The RFP process is for the Agency's benefit and is intended to provide the Agency with competitive information to assist in the selection process. It is not intended to be comprehensive. Each service provider is responsible for determining all factors necessary for submission of a comprehensive bid proposal.

The Agency is seeking a service provider to employ educators and distance learning consultants, particularly those that have retired from public school districts or other public agencies, to teach ILO courses and provide assistance in implementing ILO activities. Since the summer of 2004, ILO has assisted Iowa school districts in expanding learning opportunities for high school students through courses delivered "at a distance" using technologies such as the Internet and interactive video classrooms connected to the Iowa Communications Network. ILO is not a school. Students enroll in ILO courses and receive credit for ILO courses through their local school district.

### **Section 2—ADMINISTRATIVE INFORMATION**

#### **2.1 Issuing Officer**

The Issuing Officer, identified below, is the sole point of contact regarding the RFP from the date of issuance until selection of the successful service provider.

**Gwen Nagel, Issuing Officer**  
**Iowa Department of Education**  
**Grimes State Office Building**  
**400 East 14<sup>th</sup> Street**  
**Des Moines, Iowa 50319-0146**  
**[gwen.nagel@iowa.gov](mailto:gwen.nagel@iowa.gov)**

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### **2.2 Restriction on Communication**

From the issue date of this RFP until announcement of the successful service provider, service providers may contact only the Issuing Officer. The Issuing Officer will respond only to questions regarding the procurement process. Questions related to the interpretation of this RFP must be submitted in writing to the Issuing Officer by 4:30 p.m., central time, September 19, 2008. Verbal questions related to the interpretation of this RFP will not be accepted. Service providers may be disqualified if they contact any state employee other than the issuing officer.

### **2.3 Downloading the RFP from the Internet**

All amendments will be posted on the Agency's home page at <http://www.state.ia.us/educate/> Click on the "Bids, Contract & RFPs" link under the heading "PK-12 Finance & Data" or go directly to <http://www.iowa.gov/educate/content/category/15/47/366/> The service provider is advised to check the Agency's home page periodically for amendments to this RFP, particularly if the service provider downloaded the RFP from the Internet as the service provider may not automatically receive amendments. If the service provider received this RFP as a result of a written request to the Agency, the service provider will automatically receive amendments.

### **2.4 Procurement Timetable**

The following dates are set forth for informational and planning purposes; however, the Agency reserves the right to change the dates.

Notice of Intent to Issue RFP	September 10, 2008
Issue RFP	September 15, 2008
Questions Due	September 19, 2008
Response to Questions Issued	September 24, 2008
Closing Date for Receipt of Bid Proposals & Amendment to Bid Proposals	October 10, 2008
Announce Successful Service provider	October 15, 2008
Completion of Contract Negotiations & Execution of the Contract	October 24, 2008
Begin Contract	November 1, 2008

### **2.5 Questions, Requests for Clarification, and Suggested Changes**

Service providers are invited to submit written questions and requests for clarifications regarding the RFP. Service providers may also submit suggestions for changes to the requirements of this RFP. The questions, requests for clarifications, or suggestions must be in writing and received by the Issuing Officer before 4:30 p.m., central time, September 19, 2008. Oral questions will not be permitted. If the questions, requests for clarifications, or suggestions pertain to a specific section of the RFP, the page and section number(s) must be referenced. Written responses to questions, requests for clarifications, or suggestions will be sent on or before September 24, 2008, to service providers who received RFP's. The Agency's written responses will be considered part of the RFP. If the Agency decides to adopt a suggestion, the Agency will issue an amendment to the RFP.

The Agency assumes no responsibility for verbal representations made by its officers or employees unless such representations are confirmed in writing and incorporated into the RFP.

### **2.6 Amendment to the RFP and Bid Proposal and Withdrawal of Bid Proposal**

The Agency reserves the right to amend the RFP at any time. The service provider shall acknowledge receipt of an amendment in its proposal. If the amendment occurs after the closing date for receipt of bid proposals, the Agency may, in its sole discretion, allow service providers to amend their bid proposals in response to the Agency's amendment if necessary.

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The service provider may amend its bid proposal. The amendment must be in writing, signed by the service provider and received by time set for the receipt of proposals. Electronic mail and faxed amendments will not be accepted.

Service providers who submit proposals in advance of the deadline may withdraw, modify, and resubmit proposals at any time prior to the deadline for submitting proposals. Service providers must notify the Issuing Officer in writing if they wish to withdraw their proposals.

### **2.7 Submission of Bid Proposals**

The Agency must receive the bid proposal at the Issuing Officer's address given in section 2.1 before 4:30 p.m., central time, October 10, 2008. **This is a mandatory requirement and will not be waived by the Agency. Any bid proposal received after this deadline will be rejected and returned unopened to the service provider.** Service providers mailing bid proposals must allow ample mail delivery time to ensure timely receipt of their bid proposals. It is the service provider's responsibility to ensure that the bid proposal is received prior to the deadline. Postmarking by the due date will not substitute for actual receipt of the bid proposal. Electronic mail and faxed bid proposals will not be accepted.

Service providers must furnish all information necessary to evaluate the bid proposal. Bid proposals that fail to meet the mandatory requirements of the RFP will be disqualified. Verbal information provided by the service provider shall not be considered part of the service provider's proposal.

### **2.8 Bid Proposal Opening**

The Agency will open bid proposals October 13, 2008. The bid proposals will remain confidential until the Evaluation Committee has reviewed all of the bid proposals submitted in response to this RFP and the Agency has announced a notice of intent to award a contract. See Iowa Code Section 72.3.

### **2.9 Costs of Preparing the Bid Proposal**

The costs of preparation and delivery of the bid proposal are solely the responsibility of the service provider.

### **2.10 Rejection of Bid Proposals**

The Agency reserves the right to reject any or all bid proposals, in whole and in part, received in response to this RFP at any time prior to the execution of a written contract. Issuance of this RFP in no way constitutes a commitment by the Agency to award a contract. This RFP is designed to provide service providers with the information necessary to prepare a competitive bid proposal. This RFP process is for the Agency's benefit and is intended to provide the Agency with competitive information to assist in the selection of a service provider to provide services. It is not intended to be comprehensive and each service provider is responsible for determining all factors necessary for submission of a comprehensive bid proposal.

### **2.11 Disqualification**

The Agency may reject outright and may not evaluate proposals for any one of the following reasons:

- 2.11.1** The service provider fails to deliver the bid proposal by the due date and time.
- 2.11.2** The service provider states that a service requirement cannot be met.
- 2.11.3** The service provider's response materially changes a service requirement.
- 2.11.4** The service provider's response limits the rights of the Agency.

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**2.11.5** The service provider fails to include information necessary to substantiate that it will be able to meet a service requirement. A response of "will comply" or merely repeating the requirement is not sufficient. Responses must indicate present capability; representations that future developments will satisfy the requirement are not sufficient.

**2.11.6** The service provider fails to respond to the Agency's request for information, documents, or references.

**2.11.7** The service provider fails to include any signature, certification, authorization, stipulation, disclosure or guarantee requested in section 4 of this RFP.

**2.11.8** The service provider presents the information requested by this RFP in a format inconsistent with the instructions of the RFP.

**2.11.9** The service provider initiates unauthorized contact regarding the RFP with state employees.

**2.11.10** The service provider provides misleading or inaccurate responses.

#### **2.12 Nonmaterial and Material Variances**

The Agency reserves the right to waive or permit cure of nonmaterial variances in the bid proposal if, in the judgment of the Agency, it is in the Agency's best interest to do so. Nonmaterial variances include minor informalities that do not affect responsiveness; that are merely a matter of form or format; that do not change the relative standing or otherwise prejudice other service providers; that do not change the meaning or scope of the RFP; or that do not reflect a material change in the services. In the event the Agency waives or permits cure of nonmaterial variances, such waiver or cure will not modify the RFP requirements or excuse the service provider from full compliance with RFP specifications or other contract requirements if the service provider is awarded the contract. The determination of materiality is in the sole discretion of the Agency.

#### **2.13 Reference Checks**

The Agency reserves the right to contact any reference to assist in the evaluation of the bid proposal, to verify information contained in the bid proposal and to discuss the service provider's qualifications and the qualifications of any subcontractor identified in the bid proposal.

#### **2.14 Information from Other Sources**

The Agency reserves the right to obtain and consider information from other sources concerning a service provider, such as the service provider's capability and performance under other contracts.

#### **2.15 Verification of Bid Proposal Contents**

The content of a bid proposal submitted by a service provider is subject to verification. Misleading or inaccurate responses shall result in disqualification.

#### **2.16 Criminal History and Background Investigation**

The Agency reserves the right to conduct criminal history and other background investigation of the service provider, its officers, directors, shareholders, or partners and managerial and supervisory personnel retained by the service provider for the performance of the contract.

#### **2.17 Bid Proposal Clarification Process**

The Agency reserves the right to contact a service provider after the submission of bid proposals for the purpose of clarifying a bid proposal to ensure mutual understanding. This contact may include written questions, interviews, site visits, a review of past performance if the service provider has provided goods or services to the Agency or any other political subdivision wherever located, or

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requests for corrective pages in the service provider's bid proposal. The Agency will not consider information received if the information materially alters the content of the bid proposal or alters the type of goods and services the service provider is offering to the Agency. An individual authorized to legally bind the service provider shall sign responses to any request for clarification. Responses shall be submitted to the Agency within the time specified in the Agency's request. Failure to comply with requests for additional information may result in rejection of the bid proposal as non-compliant.

#### **2.18 Disposition of Bid Proposals**

All proposals become the property of the Agency and shall not be returned to the service provider unless all bid proposals are rejected or the RFP is cancelled. In either event, service providers will be asked to send prepaid shipping instruments to the Agency for return of the bid proposals submitted. In the event the Agency does not receive shipping instruments, the Agency will destroy the bid proposals. Otherwise, at the conclusion of the selection process, the contents of all bid proposals will be in the public domain and be open to inspection by interested parties subject to exceptions provided in Iowa Code Chapter 22 or other applicable law.

#### **2.19 Public Records and Requests for Confidential Treatment**

The Agency may treat all information submitted by a service provider as public information following the conclusion of the selection process unless the service provider properly requests that information be treated as confidential at the time of submitting the bid proposal. The Agency's release of information is governed by Iowa Code chapter 22. Service providers are encouraged to familiarize themselves with chapter 22 before submitting a proposal. The Agency will copy public records as required to comply with the public records laws.

Any request for confidential treatment of information must be included in the transmittal letter with the service provider's bid proposal. In addition, the service provider must enumerate the specific grounds in Iowa Code Chapter 22 or other applicable law which support treatment of the material as confidential and explain why disclosure is not in the best interest of the public. The request for confidential treatment of information must also include the name, address, and telephone number of the person authorized by the service provider to respond to any inquiries by the Agency concerning the confidential status of the materials.

Any bid proposal submitted which contains confidential information must be conspicuously marked on the outside as containing confidential information, and each page upon which confidential information appears must be conspicuously marked as containing confidential information. Identification of the entire bid proposal as confidential may be deemed non-responsive and disqualify the service provider.

If the service provider designates any portion of the RFP as confidential, the service provider must submit one copy of the bid proposal from which the confidential information has been excised. This excised copy is in addition to the number of copies requested in section 4 of this RFP. The confidential material must be excised in such a way as to allow the public to determine the general nature of the material removed and to retain as much of the bid proposal as possible.

The Agency will treat the information marked confidential as confidential information to the extent such information is determined confidential under Iowa Code Chapter 22 or other applicable law by a court of competent jurisdiction.

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In the event the Agency receives a request for information marked confidential, written notice shall be given to the service provider seven calendar days prior to the release of the information to allow the service provider to seek injunctive relief pursuant to Section 22.8 of the Iowa Code.

The service provider's failure to request confidential treatment of material will be deemed by the Agency as a waiver of any right to confidentiality, which the service provider may have had.

#### **2.20 Copyrights**

By submitting a bid proposal, the service provider agrees that the Agency may copy the bid proposal for purposes of facilitating the evaluation of the bid proposal or to respond to requests for public records. The service provider consents to such copying by submitting a bid proposal and warrants that such copying will not violate the rights of any third party. The Agency shall have the right to use ideas or adaptations of ideas that are presented in the bid proposals.

#### **2.21 Release of Claims**

By submitting a bid proposal, the service provider agrees that it will not bring any claim or cause of action against the Agency based on any misunderstanding concerning the information provided herein or concerning the Agency's failure, negligent or otherwise, to provide the service provider with pertinent information as intended by this RFP.

#### **2.22 Evaluation of Bid Proposals Submitted**

Bid proposals that are timely submitted and are not subject to disqualification will be reviewed in accordance with Section 5 of the RFP. The Agency will not necessarily award any contract resulting from this RFP to the service provider offering the lowest cost to the Agency. Instead, the Agency will award the contract to the compliant service provider whose proposal receives the most points in accordance with the evaluation criteria set forth in section 5 of this RFP and subject to approval of the State Board of Education.

#### **2.23 Award Notice and Acceptance Period**

Notice of intent to award the contract will be sent by mail to all service providers submitting a timely bid proposal. Negotiation and execution of the contract shall be completed no later than October 24, 2008. If the apparent successful service provider fails to negotiate and deliver an executed contract by October 24, 2008, the Agency may cancel the award and award the contract to the next highest ranked service provider.

#### **2.24 Definition of Contract**

The full execution of a written contract shall constitute the making of a contract for services and no service provider shall acquire any legal or equitable rights relative to the contract services until the contract has been fully executed by the successful service provider and the Agency.

#### **2.25 Choice of Law and Forum**

This RFP and the resulting contract are to be governed by the laws of the state of Iowa. Changes in applicable laws and rules may affect the award process or the resulting contract. Service providers are responsible for ascertaining pertinent legal requirements and restrictions. Any and all litigation or actions commenced in connection with this RFP shall be brought in the appropriate Iowa forum.



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### **2.26 Restrictions on Gifts and Activities**

Iowa Code Chapter 68B restricts gifts which may be given or received by state employees and requires certain individuals to disclose information concerning their activities with state government. Service providers are responsible to determine the applicability of this Chapter to their activities and to comply with the requirements. In addition, pursuant to Iowa Code section 722.1, it is a felony offense to bribe or attempt to bribe a public official.

## **SECTION 3—SERVICE REQUIREMENTS**

### **3.1 Scope of Work**

The Agency is seeking a nonprofit, non-IPERS service provider to retain the services of Iowa-certified teacher(s) and distance learning consultant(s), particularly those that have retired from a public school district or other public agency, to teach ILO courses and/or implement other activities of ILO. The service provider shall have expertise and experience providing such services. Previous experience with providing services to ILO is preferred. The agency will retain responsibility for securing the necessary teachers and for negotiating salary and other costs, such as travel at State of Iowa agency rates, with each individual ILO teacher. The purpose of this RFP is to secure a service provider to be responsible for all payments to the teachers secured by the agency. It is anticipated that we will secure the services of four teacher/consultants in this contract period.

## **SECTION 4—FORMAT AND CONTENT OF BID PROPOSALS**

### **4.1 Instructions**

These instructions prescribe the format and content of the bid proposal. They are designed to facilitate a uniform review process. Failure to adhere to the proposal format may result in the disqualification of the bid proposal.

**4.1.1** The bid proposal shall be submitted on an 8.5" x 11" paper (one side only). Handwritten bid proposals shall not be accepted.

**4.1.2** One (1) original and one (1) copy of the bid proposal shall be timely submitted to the Issuing Officer.

**4.1.3** If the service provider designates any information in its proposal as confidential pursuant to section 2.22, the service provider must also submit one (1) copy of the bid proposal from which confidential information has been excised. The confidential material must be excised in such a way as to allow the public to determine the general nature of the material removed and to retain as much of the bid proposal as possible.

**4.1.4** Bid proposals shall not contain promotional or display materials.

**4.1.5** Attachments shall be referenced in the bid proposal.

**4.1.6** If a service provider proposes more than one method of meeting these requirements, each should be labeled and submitted separately. Each will be evaluated separately.

### **4.2 Technical Bid Proposal**

The following documents and responses shall be included in the bid proposal in the order given below:

#### **4.2.1 Transmittal Letter**

An individual authorized to legally bind the service provider shall sign the transmittal letter. Any request for confidential treatment of information shall be included in the transmittal letter in

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addition to the specific statutory basis supporting the request and an explanation why disclosure of the information is not in the best interest of the public. The transmittal letter shall contain:

- The RFP Title
- The service provider's name, mailing address, telephone number, and fax number.
- Name, address, telephone number, and email of the service provider's representative to contact regarding all contractual and technical matters concerning the proposal.

#### **4.2.2 Summary of Services**

The service provider shall address each service requirement in Section 3 of the RFP and explain how it plans to approach each requirement. Proposals must be fully responsive to service requirements. Merely repeating the requirements will be considered non-responsive and may disqualify the service provider. Proposals must identify any deviations from the requirements of this RFP or requirements the service provider cannot satisfy. Any deviations from the requirements of the RFP or any requirement of the RFP that the service provider cannot satisfy may disqualify the service provider.

#### **4.2.3 Background Information**

The service provider shall provide general background information including, but not limited to:

- Form of business entity, i.e., corporation, partnership, proprietorship, limited liability company.
- State of incorporation, state of formation, or state of organization.
- Identify and specify the location(s) and telephone numbers of the major offices and other facilities that relate to the service provider's performance under the terms of this RFP.

#### **4.2.4 Experience**

The service provider shall provide information regarding its experience including, but not limited to:

- Number of years in business.
- Number of years experience with providing the types of services sought by the RFP.
- List services similar to those sought by this RFP that the service provider has provided to other businesses or governmental entities.

#### **4.2.5 Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transactions**

The service provider shall sign and submit with the bid proposal the document included as **Attachment # 1** in which the service provider shall certify that it is not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any federal department or agency.

#### **4.2.6 Acceptance of Terms and Conditions**

The service provider shall specifically agree that the bid proposal is predicated upon the acceptance of all terms and conditions stated in the RFP. If the service provider objects to any term or condition, the service provider must specifically refer to the RFP page and section. Objections or responses that materially alter the RFP may be deemed non-responsive and disqualify the service provider.

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### 4.2.7 Cost Proposal and Firm Bid Proposal Terms

The service provider shall provide cost information for the proposed services. The amounts for the initial contract term should be for eight months of one fiscal year, November 1, 2008 to June 30, 2009. The cost amounts should exclude state and federal taxes except for taxes required to be withheld for employment purposes. The Agency is a tax exempt entity. For future renewal agreements, the contract term will be one fiscal year, July 1 to June 30.

## Section 5—EVALUATION OF BID PROPOSALS

### 5.1 Introduction

This section describes the evaluation process that will be used to determine which bid proposal provides the greatest benefits to the Agency. The evaluation process is designed to award the contract not necessarily to the service provider of least cost, but rather to the service provider with the best combination of attributes to perform the required services.

### 5.2 Evaluation Committee

The Agency intends to conduct a comprehensive, fair and impartial evaluation of bid proposals received in response to this RFP. The Agency will use an Evaluation Committee to review and evaluate the proposals. The evaluation committee will make a recommendation to the Agency's Director indicating the committee's choice. The Director will select the service provider to receive the award. The Director is not bound by the committee's recommendation. All service providers submitting proposals will receive either a written acceptance or rejection of their proposal.

### 5.3 Evaluation Criteria

The Evaluation Committee will evaluate all proposals and make a recommendation for award using the following criteria, which are listed in no particular order.

Criteria	Possible Points	Assigned Points
Approach to scope of work is well defined and meets ILO's requirements.	20	
Evidence that the service provider is a nonprofit, non-IPERS institution.	20	
Demonstrated successful experience with a scope of services similar to those described in the RFP	5	
Previous experience providing services to ILO.	15	
Total Criteria Points	60	
Cost points The lowest cost proposal (meeting all mandatory requirements) will be awarded the maximum points. The following formula will be used to allocate points for cost: $\text{lowest proposed cost} / \text{proposed cost} * 30 = \text{cost points}$	30	
Total Points	90	

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### **Section 6—CONTRACT TERMS AND CONDITIONS**

#### **6.1 Contract Terms and Conditions**

The contract that the Agency expects to award as a result of this Request for Proposal will be based upon the bid proposal submitted by the successful service provider and this solicitation. The contract between the Agency and the successful service provider shall be a combination of the specifications, terms and conditions of the Request for Proposal, the offer of the service provider contained in the technical and cost proposals, written clarifications or changes made in accordance with the provisions herein, and any other terms deemed necessary by the Agency.

**By submitting a proposal, each service provider acknowledges its acceptance of these specifications, terms and conditions without change except as otherwise expressly stated in its proposal. If a service provider takes exception to a provision, it must state the reason for the exception and set forth in its proposal the specific contract language it proposes to include in place of the provision. Exceptions that materially change these terms or the requirements of the RFP may be deemed non-responsive by the Agency, in its sole discretion, resulting in possible disqualification of the proposal.** The Agency reserves the right to either award a contract without further negotiation with the successful service provider or to negotiate contract terms with the selected service provider if the best interests of the Agency would be served.

#### **6.2 Contract Length**

The term of the contract will be one (1) year and will commence on or about November 1, 2008, and end on June 30, 2009.

The Agency shall have the sole option to renew the contract upon the same terms and conditions for five additional one-year renewal terms beginning July 1, 2009.

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Date: \_\_\_\_\_

**Attachment #1**

Gwen Nagel, Issuing Officer  
Division of PK-12 Education  
Department of Education  
Grimes State Office Building  
400 E 14<sup>th</sup> Street  
Des Moines, IA 50319-0146

Re: Request for Proposal Number **ED-GN254001**  
Certification Regarding Debarment, Suspension, and Eligibility, and Voluntary Exclusion

Dear Ms. Nagel:

By submitting a proposal in response to the Department of Education's Request for Proposal Number **ED-GN254001** for Iowa Learning Online services, the undersigned certifies the following:

1. I certify that, to the best of my knowledge, (Name of Service Provider) and all of its principals: (a) are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by a federal department or agency; (b) have not within a three year period preceding this proposal been convicted of, or had a civil judgment rendered against them for commission of fraud, or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) transaction or contract under a public transaction, violation of antitrust statutes or commission of embezzlement, theft, forgery, falsification or destruction of records, making false statements, or receiving stolen property; (c) are not presently indicted for or other criminally or civilly charged by a government entity (federal, state, or local) with the commission of any of the offenses enumerated in (b) of this certification; and (d) have not within a three year period preceding this proposal had one or more public transactions (federal, state, or local) terminated for cause.

2. This certification is a material representation of fact upon which the Agency has relied upon when this transaction was entered into. If it is later determined that the undersigned knowingly rendered an erroneous certification, in addition to other remedies available, the Agency may pursue available remedies including suspension, debarment, or termination of the contract.

Sincerely,

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name and Title